

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	Criminal No. 03-30047-MAP
	)	
v.	)	
	)	
MELVIN RICHARDSON,	)	
Defendant.	)	

**Government's Motion in Limine To Introduce Statements of the Defendant**

The government respectfully requests this Court to permit the government to introduce the Defendant's statements made during recorded telephone calls from the Hampshire County Jail. The relevant recordings of the Defendant's calls are admissible as statements by a party-opponent pursuant Fed. R. Evid 801(d)(2). The government presently intends to introduce telephone calls made by the Defendant on March 21 and March 23 of 2006. The government obtained the recordings on March 24, 2006, and provided copies to Attorney Bongiorno on that same date. The recordings do not constitute Title III interceptions since both the Defendant and the party to whom he was speaking consented to the interception by agreeing to converse after being warned that the call was being recorded. 18 U.S.C. 2511(2)(c); Gilday v. Dubois, 124 F.3d 277, 296-97 (1<sup>st</sup> Cir. 1997). In addition, the recorded calls were acquired in the normal course of business for the Hampshire County Sheriff's Department, and qualify as the law enforcement exception to Title III. 18 U.S.C. §§ 2510(5)(a)(ii),

2517(1). United States v. Shelton Lewis, 406 F.3d 11, 18-20 (1<sup>st</sup>  
Cir. 2005).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Paul Hart Smyth

By:

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Assistant U.S. Attorney